

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and SUZANNE)
NAGELSKI,)
)
Plaintiffs,)
v.)
)
PREFERRED PAIN MANAGEMENT &)
SPINE CARE, P.A., DR. DAVID SPIVEY,)
individually, and SHERRY SPIVEY,)
individually.)
)
Defendants.)

JOINT MOTION TO AMEND CASE MANAGEMENT ORDER

NOW COME Plaintiffs Rebecca Kovalich and Susanne Nagelski and Defendants Preferred Pain Management & Spine Care, P.A., Dr. David Spivey, and Sherry Spivey, by and through undersigned counsel, and move this Court to extend the current discovery deadline. Discovery is currently set to close in this case on August 1, 2018, with trial scheduled for the week of July 8, 2019—over a year from today. The Parties request a 120-day extension of the current discovery deadline, meaning that discovery will close on November 29, 2018.

The Parties have exchanged extensive written discovery and depositions are already underway. This case involves voluminous written discovery. Defendants have produced nearly 10,000 pages of documents to Plaintiffs to date and have indicated that there is the potential for more. Reviewing these documents has been extremely time consuming, and Plaintiff needs more time to work through the productions and conduct depositions. The Parties are currently set to

mediate this matter on July 6, 2018, with Ken Carlson as mediator, and that mediation will proceed as scheduled.

On June 19, 2018, Plaintiffs' counsel prevailed at summary judgment in *Carlita Ramos v. Carolina Motor Club, Inc. d/b/a AAA Carolinas* (17-CV-212), which is in the Western District of North Carolina before Judge Conrad. The trial was set to begin July 9, 2018, but, due to the quick turn around for trial from the summary judgment ruling and other related reasons, on June 20, 2018, Judge Conrad moved the trial to the week of July 30, 2018. Plaintiffs' counsel will play a significant role in trying this case, and the preparation will be extensive. This trial should take the entire week of July 30, 2018, if not longer.

Moreover, *Anne Gannon v. Champion Residential Services, Inc. d/b/a Morris Jenkins* (16-CV-0756-RJC-DSC), which is also Plaintiffs' counsel's case in the Western District of North Carolina before Judge Conrad, is set to go to trial in the term beginning September 4, 2018, and, if it is tried as scheduled, it will last at least one week. Defendant's counsel in this case did not move for summary judgment. Thus—barring resolution—this case will also be tried and will require extensive preparation from Plaintiffs' counsel.

This request for extension of time will not affect the current trial date, which is not until July 8, 2019. This Motion is made in good faith, for good cause, and not for the purpose of delay. The Parties require additional time to complete discovery in this matter in order to present the Court with a complete record on which the Court can render its judgment. A copy of the Proposed Order granting this motion is being submitted with this motion.

WHEREFORE, Plaintiffs Rebecca Kovalich and Susanne Nagelski and Defendants Preferred Pain Management & Spine Care, P.A., Dr. David Spivey, and Sherry Spivey hereby

jointly request that the Court issue an Order extending the discovery deadline by 120 days, up to and including November 29, 2018.

Respectfully submitted this 21st day of June, 2018.

<p><u>/s/ Sean F. Herrmann</u> Sean F. Herrmann (NC Bar No. 44453) sean@vankampenlaw.com VAN KAMPEN LAW, PC 315 East Worthington Avenue Charlotte, North Carolina 28203 Phone: (704) 247-3245 Fax: (704) 749-2638 <i>Attorney for Plaintiff</i></p>	<p><u>/s/ Ann H. Smith</u> Ann H. Smith (NC Bar No. 23090) annsmith@jacksonlewis.com Caitlin M. Goforth (NC Bar No. 49227) caitlin.Goforth@Jacksonlewis.com JACKSON LEWIS, PC 3737 Glenwood Avenue Suite 450 Raleigh, North Carolina 27612 Phone: (919) 760-6465 Fax: (919) 760-6461 <i>Attorney for Defendants</i></p>
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CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that the document to which this certificate is attached was served upon each party to this action by e-mail and by CM/ECF electronic notification to the attorney of record for each party, or to the party, at their last known address, as stated below.

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This the 21st day of June, 2018.

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